

SENATE BILL 1588

By Summerville

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17 and Title 67, relative to taxation of adult-oriented businesses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 4, is amended by adding the following as a new section:

67-4-403.

(a) Each adult-oriented business operating in this state and each person engaged in the business of selling, delivering, shipping or transmitting adult-oriented products within this state to a customer in this state shall, for the privilege of engaging in such business, pay to the commissioner of revenue an annual privilege tax in the sum of ten thousand dollars (\$10,000). The tax shall be paid by August 1 of each calendar year and the proceeds derived from the tax shall be deposited in the general fund.

(b) As used in this section:

(1) "Adult-oriented business" means any person or entity that presents or produces any obscene theatrical production, peep show or live performance;

(2) "Adult-oriented products" means any tangible personal property that is obscene, harmful to minors as defined in § 39-17-901, or sexually exploits minors as prohibited by title 39, chapter 17, part 10; and

(3) "Obscene" has the same meaning as defined in § 39-17-901.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2014, the public welfare requiring it.